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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO

12 JOSEPH WAGNER as an individual, on
13 behalf of himself, the general public and
14 those similarly situated,

15 Plaintiff,

16 v.

17 Molson Coors Beverage Company,

18 Defendant.
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Case No. 3:21-CV-05461-WHO

**[PROPOSED] ORDER GRANTING
MOLSON COORS'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

Date: October 20, 2021

Time: 2:00 PM

Courtroom: 2

Action Filed: July 15, 2021

Judge: Hon. William H. Orrick

[Filed Concurrently with Notice of Motion
and Motion to Dismiss Plaintiff's Complaint;
Declaration of Sofia Colucci; Request for
Judicial Notice; [Proposed] Order re Request
for Judicial Notice]

[PROPOSED] ORDER

Defendant, Molson Coors Beverage Company USA LLC's ("Molson Coors") Motion to Dismiss Plaintiff's Complaint came before the Court for hearing on October 20, 2021 at 2:00 p.m. Having considered the moving and opposing papers and the argument of the parties, and such other documents and information appropriately considered, the Court finds as follows:

Under Federal Rule of Civil Procedure 12(b)(1), Rule 11 and the court's inherent powers:

1. Plaintiff lacks Article III standing because he could not have purchased the product as alleged in 2018.

2. Plaintiff has filed a patently false declaration asserting that he purchased the product at a Safeway in Petaluma, California in August and September 2018, which is nearly two years before the product was ever sold to the public.

Good cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

Molson Coors's Motion to Dismiss Plaintiff's Complaint with prejudice is **GRANTED**.

IT IS SO ORDERED.

Dated: _____

The Honorable William H. Orrick
United States District Judge,
Northern District of California